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REMARKS

Claims 1-17 are currently pending in the subject application and are presently under consideration. Claims 2, 5, 13-14, and 17 have been amended as shown on pp. 2-5 of the Reply. Claims 2 and 5 have been amended to correct minor informalities. Claim 14 has been modified in accordance with the Examiner's suggestion. Furthermore, Fig. 10 has been amended as described at pg. 5 and a replacement sheet is provided herewith. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments presented herein.

I. Rejection of Claims 1, 2, 5, 6, 7, and 16 Under 35 U.S.C. §102(e)

Claims 1, 2, 5, 6, 7, and 16 stand rejected under 35 U.S.C. §102(e) as being anticipated by Manchester (US 2004/0201595). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Manchester does not teach or suggest each and every element of the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The subject invention relates to a system and methodology for data capture and image display to users. In one aspect of the subject invention, the orientation of a displayed image is based in part on the position of a user. For example, a sensor component can determine a distance between a display component and a user. (See pg. 18, ll. 29-31). Furthermore, the sensor component can determine precise orientation between user sightline and the display component, and then relay such orientation to the orientation component that displays the image accordingly. (See pg. 19, ll. 1-3). To that end, independent claim 1 (and similarly independent claim 16) recites an *orientation component that automatically orients display objects rendered by the display based at*

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*least in part upon a user perspective.* Manchester does not teach or suggest such claim aspects.

Manchester relates to a self-orienting display that senses characteristics of an object to be displayed and automatically rotates the display in accordance with those characteristics. (See Abstract). In contrast to the invention as claimed, Manchester nowhere discloses an *orientation component that automatically orients display objects rendered by the display based at least in part upon a user perspective.* The Examiner posits that Manchester discloses such claim features in paragraph [0025] of the cited art. Applicant's representative respectfully avers to the contrary. In more detail, Manchester does not relate to a device that automatically *orients display objects ... based at least in part on user perspective.* Rather, Manchester teaches that the displayed image is oriented *with respect to the orientation of the object.* (See [0019]). For example, suppose that an object is oriented such that the top of the image is at the top of the display. If a viewer prefers landscape mode, she can rotate the display device ninety degrees to achieve such a display, as the device will rotate the displayed image such that the top of the image will remain at the top of the display. (See [0025]). Since Manchester teaches the orientation of a displayed object is determined with respect to the object, it fails to teach that orientation of a displayed object is determined based on a user perspective. Thus, Manchester does not teach or suggest each and every element of the invention as recited in the subject claims.

In view of at least the foregoing, it is readily apparent that Manchester does not teach or suggest the subject invention as recited in independent claim 1 and 16 (and claims 2, 5, 6, and 7 which depend there from). Accordingly, this rejection should be withdrawn.

## **II. Rejection of Claims 3, 4, 8-12, and 15 Under 35 U.S.C. §103(a)**

Claims 3, 4, 8-12, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Manchester in view of Browning (US 6,707,581). Applicant's representative respectfully submits that this rejection should be withdrawn for at least the following reasons. Browning fails to make up for the aforementioned deficiencies of Manchester with respect to independent claims 1 and 15.

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To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. ***Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). (Emphasis added).*** The teaching or suggestion to make the claimed combination and the reasonable expectation of success ***must both be found in the prior art*** and not based on applicant's disclosure. *See In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

More particularly, Browning fails to make up for the aforementioned deficiencies of Manchester. Specifically, Browning does not teach or suggest ***an orientation component that automatically orients display objects rendered by the display based at least in part upon a user perspective*** as recited in independent claim 1 (and similarly in independent claim 15). Rather, Browning relates to a device that scans a line of information in the form of Internet URL's, Internet protocol addresses, Internet email addresses, FTP sites, bar codes, etc., and utilizes onboard information retrieval software that establishes a connection to the Internet to retrieve associated information. (See Abstract). Browning, however, does not relate to altering the orientation of displayed objects, much less orienting display objects rendered by the display based at least in part upon a user perspective. As such, Manchester and Browning, either alone or in combination, do not disclose each and every aspect as claimed. Accordingly, the rejection should be withdrawn.

### **III. Rejection of Claims 13 and 14 Under 35 U.S.C. §103(a)**

Claims 13 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Browning in view of Manchester. It is respectfully submitted that the rejection should be withdrawn for at least the following reasons. Browning and Manchester, either

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alone or in combination, do not teach or suggest each and every element of the subject claims.

As discussed *supra*, the subject invention relates to a system and methodology for data capture and display to users. In one aspect of the invention as claimed, an artificial intelligence component is utilized to provide optimum viewing position of images and/or text within display component. (See pg. 17, ll. 8-10). For example, the artificial intelligence component can render images and/or text of appropriate size, resolution, color, *etc.* to create an optimized image and/or text display as well as an optimized viewing position. (See pg. 17, ll. 17-20). To that end, amended independent claim 13 recites ***automatically orientating rendered graphical objects based at least in part upon a physical orientation of a user with respect to the device and changing object display parameters to provide at least one of an optimized object display and an optimized viewing position.*** Browning and Manchester fail to teach or suggest such claim elements.

Specifically, as discussed *supra*, Browning and Manchester fail to teach or suggest ***automatically orientating rendered graphical objects based at least in part upon a physical orientation of a user with respect to the device.*** Additionally, the cited art fails to teach or suggest ***changing object display parameters to provide at least one of an optimized object display and an optimized viewing position,*** as recited in amended independent claim 13. Manchester relates to changing the orientation of a displayed object based on properties of the object. Manchester, however, is silent with regard to changing object display parameters to provide at least one of an optimized object display and an optimized viewing position. Browning, like Manchester, fails to teach or suggest such claim features.

In view of at least the foregoing, it is readily apparent that Browning and Manchester, either alone or in combination, do not teach or suggest the subject invention as recited in independent claim 13 (and claim 14 which depends there from). Accordingly, this rejection should be withdrawn.

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#### IV. Rejection of Claim 17 Under 35 U.S.C. §103(a)

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Toyofuku *et al.* (US 6,181,380) in view of Manchester. It is respectfully requested that this rejection be withdrawn for at least the following reasons. Independent claim 17 has been amended such that Toyofuku *et al.* and Manchester, either individually or in combination, do not teach or suggest all the limitations recited in the subject claims.

Toyofuku *et al.* relates to an electronic image pickup apparatus, an example of such an apparatus is a camera. Toyofuku *et al.*, however, is silent with regard to a holder that holds the data capture component at a predetermined position to allow for ***continuous and hands-free capture of data***, as recited in independent claim 17. The Examiner contends that such claim features are disclosed by Toyofuku *et al.* in the recitation of a tripod and a self timer. (See Office Action dated June 28, 2005, pg. 10). Applicant's representative respectfully disagrees with such a contention. Specifically, the cited elements of a tripod and a self timer fail to make obvious continuous and hands-free capture of data. For instance, the setting of a self timer on a camera allows for a *single* data collection event, that is, the taking of a picture. However, setting a self timer fails to provide ***continuous and hands-free capture of data***. Additionally, Toyofuku *et al.* is silent to an ***artificial intelligence component that determines an optimal screen orientation for the display based at least upon a user's position***. As such, Toyofuku *et al.* does not disclose each and every element of the subject claims.

Manchester fails to make up for the aforementioned deficiencies of Toyofuku *et al.* Manchester is silent with regard to data collection, much less ***continuous and hands-free capture of data***. Additionally, from the discussion presented above, Manchester fails to teach or suggest an artificial intelligence component that determines an optimal screen orientation for the display based at least upon a user's position. As such, Manchester fails to make up for the deficiencies of Toyofuku *et al.* with regard to the subject invention.

In view of at least the foregoing, it is readily apparent that Toyofuku *et al.* and Manchester, either alone or in combination, do not teach or suggest the subject invention as recited in independent claim 17. Accordingly, this rejection should be withdrawn

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CONCLUSION

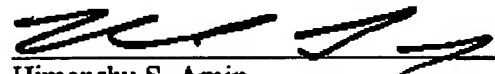
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [SYMBP165US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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**AMENDMENTS TO THE DRAWINGS**

The attached drawing sheet includes amendments to Figs. 10 that correct minor typographical errors. In particular, Fig. 10 has been amended to replace reference numeral 904 with reference numeral 1004. No new matter is being added by these drawing amendments. This sheet replaces the original sheet comprising Fig. 10.

Attachment: Replacement Sheet